REMARKS

Claim Changes

Claims 1 and 16 are amended to recite "selectively modifying one or more thresholds associated with said lower order modulation detection and correlation process based on the comparison of the result from said lower order modulation and correlation to the result of said higher order modulation and correlation process to provide a modified lower order modulation and correlation process". Support for the amendment may be found at least at paras. 53-59.

Claims 5, 7, 12, 15, 18, 23 and 26 have been canceled without prejudice or disclaimer.

Claims 4 and 6 are amended to be consistent with claim 1 as amended.

No amendment made is related to the statutory requirements of patentability unless expressly stated herein. No amendment is made for the purpose of narrowing the scope of any claim, unless Applicant had argued herein that such amendment is made to distinguish over a particular reference or combination of references. Any remarks made herein with respect to a given claim or amendment is intended only in the context of that specific claim or amendment, and should not be applied to other claims, amendments, or aspects of Applicant's invention.

Rejection of claims 1-3, 8-10, 16-17 and 20-21 under 35 U.S.C. § 103 (a) as being unpatentable over US Labedz et al. (US 4,847,869) in view of Dent (US 20010001008)

Applicant respectfully submits that neither Labedz nor Dent selectively modifying one or more thresholds associated with said lower order modulation detection and correlation process based on the comparison of the result from said lower order modulation and correlation to the result of said higher order modulation and correlation process to provide a modified lower order modulation and correlation process, as substantially required in amended independent claims 1 and 16.

Labedz discloses an approach for signal acquisition and phase error compensation for radio transmission data, primarily QPSK data. Labedz discloses to use a sync signal in either the

I or Q components of the signal. See, col. 3, lns. 5-9 ("in the preferred embodiment, the acquisition synchronization sequence is transmitted only on the I vector of the quadrature modulated channel"). Labedz does not appear to perform synchronization on both the I and Q and suggested by the Office action. In any event, Labedz clearly does perform a hybrid synchronization and selectively modify one or more thresholds associated with said lower order modulation, as recited by the above amended claims.

Dent merely discloses a synchronization technique which considers the possibility of detecting for two different modulation schemes in the received data so the system can operate with two different types of modulated data. Dent also does not disclose or suggest a hybrid synchronization and selectively modify one or more thresholds associated with said lower order modulation, as recited by the above amended claims.

Applicant respectfully requests withdrawal of the rejection of claims 1 and 16 under 35 USC 103(a). Applicant requests that claims 1 and 16 now be passed to allowance.

Dependent claims 2-3, 8-10, 17 and 20-21 depend from, and include all the limitations of independent claims 1 and 16. Therefore, Applicant respectfully requests the reconsideration of dependent claims 2-3, 8-10, 17, 20-21 and requests withdrawal of the rejection.

Rejection of claims 11, 13-14, 22, 24-25 and 27 under 35 U.S.C. § 103 (a) as being unpatentable over Labedz in view of US 5970399 (Rostany)

Applicant respectfully traverses the rejection. Applicant has amended independent claims 11 and 22 to clarify the invention. Applicant therefore respectfully requests reconsideration of the rejection of claims 11 and 22 under 35 U.S.C. § 103(a) as being unpatentable over Horne in view of Rostany.

Applicant respectfully submits that the combination of Labedz and Rostany does not teach or suggest all the claim limitations as set forth in independent claims 11 and 22, as amended. For example, independent claims 11 and 22 recite "signaling a valid burst detection if said signal energy exceeds said designated signal energy threshold value for a first predetermined period of time and said CIR exceeds said designated CIR threshold value for a second predetermined period of time, wherein said first predetermined period of time and said

second predetermined period of time comprise a majority of an expected burst duration" which is not taught or suggested in the combination of Labedz and Rostany.

According to Applicant's claim, a valid burst detection is signaled "if said signal energy exceeds said designated signal energy threshold value for a first predetermined period of time and said CIR exceeds said designated CIR threshold value for a second predetermined period of time." In contrast, Labedz merely discloses a correlation process on a received I or Q component of the signal. The correlation process in Labedz is primarily directed toward the phase of the signal, rather than burst detection. In the embodiment of Fig. 2, referenced by the Office action, Labedz discloses to sum the I and Q correlation signals to determine if it has a minimum value to qualify as a time slot. Col. 3: 50-57. In the embodiment of Fig. 3, Labedz addresses a problem of a phase shift by using two correlators and using a magnitude hold function which holds the magnitude of a signal for a period of time if the signal exceeds a threshold. See, Fig. 4, col. 5: 49-60; col. 6: 25-65. Labedz does not perform burst detection as claimed.

Rostany merely discloses comparing energy measurement signal to a predetermined threshold, thereby determining the amount of out-band noise that is acceptable and accordingly outputting a control signal (Rostany, col. 4, lines 5-53).

Neither Labedz nor Rostany disclose that a valid burst detection is signaled based on comparisons of signal energy and CIR with respective thresholds for a first and a second predetermined periods of time respectively. Moreover, Labedz and Rostany nowhere disclose that "first predetermined period of time and said second predetermined period of time comprise a majority of an expected burst duration" as recited in Applicant's amended claims 11 and 22. Since the combination of Labedz and Rostany fails to disclose Applicant's claimed invention as claimed in independent claims 11 and 22, Applicant respectfully requests withdrawal of the rejection of claims 11 and 22 under 35 USC 103(a). Applicant requests that claims 11 and 22 now be passed to allowance.

Dependent claims 13-14, 24-25 and 27 depend from, and include all the limitations of independent claims 11 and 22. Therefore, Applicant respectfully requests the reconsideration of dependent claims 13-14, 24-25 and 27 and requests withdrawal of the rejection.

Conclusion

Applicant has reviewed the other references of record and believes that Applicant's claimed invention is patentably distinct and nonobvious over each reference taken alone or in combination. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Such action is earnestly solicited by the Applicant. Should the Examiner have any questions, comments, or suggestions, the Examiner is invited to contact the Applicant's attorney or agent at the telephone number indicated below.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Date: December 29, 2009   Respectfully submitted,

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